

A N
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Making and Repairing the Road,
Leading from the Town of *Mountrath*, in
the *Queen's* County, through the Towns and
Lands of *Litter*, *Frankford*, *Gabrus*, and
Cloniver, in the *King's* County, to the Town
and Lands of *Clonefin*, in the said County.

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D U B L I N :

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THE UNIVERSITY OF CHICAGO

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Making and Repairing the Road, Leading from the Town of *Mountrath*, in the *Queen's* County, through the Towns and Lands of *Litter*, *Frankford*, *Galrus*, and *Cloniver*, in the *King's* County, to the Town and Lands of *Clonefin*, in the said County.

C H A P. XVIII.

WH E R E A S the High-Way or Road Leading from the Town of *Mountrath*, in the *Queen's* County, through the Towns of *Litter*, *Frankford*, *Galrus*, and *Cloniver*, in the *King's* County, to the Town of *Clonefin*, in said County, by Reason of the several Hollow Ways, and of the many and heavy Carriages frequently passing through the same, are become so Ruinous and Bad, that in

CHAP. XVIII. Winter Season many Parts thereof are
 Impassable for Waggon, Carrs, Carts,
 and Carriages, and very Dangerous for
 Travellers, and cannot, by the Ordinary
 Course Appointed by the Laws and Sta-
 tutes of this Realm, be effectually Amend-
 ed and Kept in Good and Sufficient Re-
 pair ;

Wherefore, and to the Intent that the
 said High-Ways and Roads may, with
 Convenient Speed, be Effectually Amend-
 ed, and hereafter Kept in Good and Suf-
 ficient Repair, so that all Persons may
 Travel through the same with Safety ;

Be it Enacted by the King's most Ex-
 cellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and
 Temporal, and Commons in this Present
 Parliament Assembled, and by Autho-
 rity of the same, That for the better
 Surveying, Ordering, Amending and
 Keeping in Repair the said High-Way
 or Road, It shall be in the Power of
 the Right Honourable the Earl of Mount-
 rath, Right Honourable the Earl of Drog-
 heda, Right Honourable Lord Viscount
 Doneraile, Right Honourable Lord Vis-
 count Castlecomer, Right Honourable Lord
 Viscount Ashbrook, Right Honourable Lord
 Tullamoore, Right Honourable Lord Knap-
 ton, Right Honourable Lord Fitz-Maurice,
 Honourable Lord Moore, Sir Laurence Par-
 sons

sons **Baronet**, William-Henry Dawson, William Poole, Bartholomew-William Gilbert, George Despard, Anthony Sharpe, Jonah Barrington, Walter Weldon, Edward Brereton, Thomas Grassingham, **Esquires**, Mathew Delany, John Witley, James Hutchinson, John Pim, Jonathan Pim, Thomas Pim, Charles Pim, John Harris, William Gloster, **Gentlemen**; Richard Malone, Henry L'Estrange, Henry Lyons, Edmond Malone, John Draught, Francis Mc. Aulay, George Frazier, Thomas Coghlan, Baldwin Crow, John Luther, James Enraught, Andrew Armstrong, George Holmes, William L'Estrange, Gilbert Holmes, Henry Peasely, L'Estrange-Henry Malone **the Younger**, **Esquires**; Reverend Philip Barret, **Cornet** Henry Malone, **Doctor** Lewis Pritchett, **Doctor** Charles Coghlan, Edmond Daly, Thomas Exham, William Molloy, Edward Molloy, Laurence Staunton, Thomas Woods, Thomas Draught, Benjamin Baily, Thomas Bernard, Thomas Booth, **Gentlemen**; Warner Westenra, John Parnell, William Despard, and Joshua Edmondson, **Esquires**; **Who** are hereby **Nominated** and **Appointed** **Trustees** of the said **Roads**, and the **Survivors** of them, they, or any five or more of them, or such person or persons as they, or any five or more of them, shall **Authorize** and **Appoint**, shall and may **Erect** or **cause to be Erected**, **One** or more **Gate** or **Gates**, **Turn-Pike** or **Turn-Pikes**, in, upon or across any **Part** or **Parts** of the said **High-Ways** and **Roads**, and also a **Toll-house** or **Toll-houses**, and there

CHAP. XVIII. there shall Receive and Take the Tolls
 and Duties following ; Before any Horse,
 Mare, Gelding, Cattle, Coach, Berlin,
 Chariot, Calash, Chaile, Chair, Wag-
 gon, Main, Cart, Carr or other Car-
 riage, shall be permitted to pass through
 the same, (Viz.) for every Coach, Berlin,
 Chariot, Calash, Chaile or Chair Drawn
 by Six Horses, Geldings or Mares, the
 Sum of One Shilling and Six pence;
 and for every Coach, Berlin, Chariot,
 Calash, Chaile or Chair, Drawn by a-
 ny lesser Number of Horses, Geldings
 or Mares than Six, and more than
 Two, One Shilling ; For every Coach,
 Berlin, Chariot, Calash, Chaile or Chair,
 Drawn with Two Horses, Geldings or
 Mares, Six pence ; For every Wag-
 gon, Main, Cart, or other Carriage,
 with Four Wheels, the Sum of Ten
 Shillings ; For every Main, Cart or
 Carriage with Two Wheels, Drawn
 by more than Two Horses, Mares,
 Geldings, or Oxen, the Sum of five
 pence ; For every Cart, Carr, or other
 Carriage, Drawn with Two Horses,
 Geldings or Mares, the Sum of four
 pence ; For every Carriage commonly call-
 ed a Chair or Chaile, with One Horse,
 Mare or Gelding, the Sum of three
 pence ; For every Carr or other Carriage,
 Drawn but by One Horse, Mare, or Geld-
 ing, the Sum of One penny ; Excepting
 Carres laden with Turf, and for each of
 them

them, One half-Penny; And for every CHAP.
 Horse or other Cattle Laden with Turf, XVIII.
 not Drabbing, One half-Penny; For every
 ry other Horse, Mare, Gelding, Mule, or
 Ass, Laden or Unladen, and not Drab-
 bing, One Penny; For every Drove of Ox-
 en, Cows, or Neat Cattle, the Sum of
 Ten Pence per Score, and so in propor-
 tion for any greater or lesser Number;
 For any Drove of Calves, Hogs, Sheep,
 or Lambs, the Sum of five Pence per
 Score, and so in proportion for any great-
 er or lesser Number; Which said respective
 Sum and Sums of Money shall be De-
 manded, and Taken in the Name of, or
 as a Toll or Duty; And the Money so
 to be Raised as aforesaid, is, and shall
 hereby be Vested in the said Trustees;
 And the same, and every Part thereof,
 shall be Paid, Applied and Disposed of,
 and Assigned, to and for the several Uses,
 Intents and Purposes, and in such Man-
 ner, as is herein after Mentioned and
 Directed; And the said Trustees, or any
 five or more of them, are hereby Im-
 powered by themselves, or any Person or
 Persons by them, or any five or more
 of them, under their Hands and Seals
 thereunto Authorized, to Levy the Toll
 or Duty hereby Required to be Paid up-
 on any Person or Persons, who shall af-
 ter Demand made thereof, Neglect or Re-
 fuse to pay the same, by Distress of any
 Horse or Horses, or other Cattle or Goods
 upon

CHAP. XVIII. upon Which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels, of such Person and Persons who ought to pay the same, and may Detain and Keep the same, till such Toll or Duty with the reasonable Charges of such Distraining or Keeping shall be paid; And it shall and may be Lawful, to and for the Person or Persons so Distraining after the Space of five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand to the Owner thereof, after such Toll, Duty, and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Moneys Arising from the Profits of the several Turn-Pikes to be Erected, the said Trustees, or any five or more of them, shall first pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-Pike or Turn-Pikes, or Building such Toll-House or Toll-Houses, and from and after such Charges and Expences shall be fully Satisfied and Paid, that then and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-Pike or Turn-Pikes to be Erected or Set up on the said Road
Leading

Leading from the Tolbn of Mountrath in CHAP.
 the Queen's County, through the Tolbns XVIII.
 of Litter, Frankford, Galrus, and Cloniver,
 as aforesaid, to the Tolbn of Clonefin, in
 the King's County, shall be Applied for
 and tolwards the Repair of the said Road
 only, and not elsewhere.

And be it further Enacted by the Au-
 thority aforesaid, That if any Person or
 Persons Whatsoever, Owning, Renting,
 or Occupying any Land near unto any
 Turn-Pike to be Erected in Pursuance of
 this Act, shall, for Gain, Reward, or O-
 therwise, Permit any Person or Persons
 Whatsoever to Pass through any Gate,
 Passage or Way, with any Coach, Ber-
 lin, Chariot, Calash, Chaife, or Chair,
 Waggon, Wain, Cart, Carr, or other
 Carriage, or Riding, or Driving any Horse,
 Mule, or Ass, or any Sort of Cattle, to
 Avoid the Payment of the Toll hereby
 Appointed to be Paid, and shall be thereof
 Convicted, upon the Oath of One or more
 Witnesses or Witnesses, before the said
 Trustees, or any Five or more of them,
 or before One or more Justice or Jus-
 tices of the Peace for the County wherein
 such Offence or Offences shall be Com-
 mitted, who are hereby Impowered and
 Required to Administer such Oath, such
 Person or Persons shall Forfeit and Pay
 to the Trustees Authorized to put this Act
 in Execution, the Sum of Ten Shillings,

CHAP. XVIII. to be Levied by Distress and Sale of the
 Offenders Goods, by Warrant under the
 Hand and Seal, or under the Hands and
 Seals of the said Trustees, or any five
 or more of them, or of such Justice or Jus-
 tices, Rendering the Overplus (if any be)
 the Charges in Taking and Disposing of
 the said Goods being first Deducted.

And be it further Enacted by the Au-
 thority aforesaid, That it shall and may
 be Lawful, to and for the said Trustees,
 or any five or more of them, to Erect
 One or more Gate or Gates, Turn-Pike
 or Turn-Pikes on the Side of the said
 High-Ways or Roads, Cross any Way
 or Lane Leading out of the said Road,
 and to Build One or more Toll-House
 or Toll-Houses, and there to Receive and
 Take such Toll as is Appointed by this
 Act to be Taken, so as the same do not
 Extend to a Double Charge in Case of
 passing the same Day through any of the
 other Turn-Pikes, to be Erected by Vir-
 tue of this Act, from the Tolbn of Mount-
 rath, in the Queen's County, to the Tolbn
 of Clonefin, in the King's County.

And be it further Enacted by the Authori-
 ty aforesaid, That the said Trustees, or any
 five or more of them, at their First Meet-
 ing, or any Succeeding Meeting, by Writ-
 ing under their Hands and Seals, shall
 and may Elect, Nominate, and Appoint
 One

One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and Payable by Virtue of this Act, and also One or more fit Person or Persons to be Surveyor or Surveyors to see the Condition of the said High-Way or Road, and to see that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act be duly Applied, and from Time to Time to Remove such Collectors, Receivers, and Surveyors, or any or either of them, as they shall see Occasion, and Appoint Mett Dues in Case of Death, or of such Removal; And such Person or Persons as is or are Liable by this Act to pay the said Toll or Duty is, and are hereby Required to pay the same, after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf, from Time to Time, Appointed as aforesaid, for Receiving the said Toll or Duty, and such Surveyor or Surveyors, as aforesaid, shall, upon Oath, if thereto Required, by the Trustees, or any five or more of them, or before One or more Justice or Justices of the Peace, Residing near the High-Way or Road aforesaid, which Oath such Trustees, or any five or more of them, or such Justice or Justices is, and are hereby Impowdered and Required to Administer,

CHAP. **XVIII.** Her, on the first Tuesday in every Month, or oftener, if Required, during the Continuance of this Act, give in a True, Exact, and Perfect Account, in Writing, under their respective Hands, of all Monies which he and they, and every, or any of them shall to such Time have Received, Paid, and Disbursed, by Virtue of this Act, by Reason of their respective Offices, for which Oath no Fee or Reward shall be taken, and in Case any Money, so Received, shall Remain in their, or any of their Hands, the same shall be Paid to the said Trustees, or any five or more of them, or to such Person or Persons as the said Trustees, or any five or more of them, shall by any Writing or Writings, under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Ways or Roads, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any five or more of them, to whom such Account shall be Given, shall, and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for, and in Consideration of his and their Care and Pains, respectively Taken in the Execution of his, and their Office and Offices, and to such or
ther

ther Person or Persons who have been, or shall be Assisting in and about Procuring the said High Ways and Roads to be Amended and Repaired, by Advancing and Laying out any Money, or otherwise Relating thereunto, as to them shall seem good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings and Six Pence per Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads, and so as such Allowance or Allowances, to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fiteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such Account and Payment, unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any five or more of them, as aforesaid, that then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be holden for the County in which the said Receiver or Receivers, Collector or Collectors, have Acted or been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Enquiry,

CHAP. and finally to Determine of and Con-
 XVIII. cerning such Default, as well by the Con-
 ~~~~~ fession of the said Parties themselves, as  
 by the Testimony of One or more Credi-  
 ble Witnesses or Witnessess, upon Oath,  
 which Oath they are hereby Impowered  
 and Required to Administer without Fee  
 or Reward, and if any Person or Persons  
 shall be Convicted thereof, by such Justi-  
 ces, the said Justices shall, upon such  
 Conviction, Commit the Party or Parties  
 to the Common Goal of the County  
 where such Offence shall be Committed,  
 there to Remain, without Bail or Main-  
 prize, until he or they shall have made a  
 True and Perfect Account and Payment  
 as aforesaid.

And be it Enacted by the Authority  
 aforesaid, That it shall and may be  
 Lawful, to and for the said Surveyor  
 or Surveyors, and such Person or Persons,  
 as he, or they shall Appoint to Dig,  
 Raile, Gather, Take and Carry away,  
 any Gravel, Furze, Sand, Stones or  
 other Materials, in the several Grounds  
 of any Person or Persons not being a Gar-  
 den, Orchard, Park or Meadow, plant-  
 ed Walk, or Walks, or Avenue to a  
 House, where any such Materials are, or  
 may be found, and from Time to Time  
 to Carry away such, and so much there-  
 of, as the said Surveyor or Surveyors  
 shall Adjudge Necessary for the Repairing  
 and



and Amending the said High-Ways or Roads, paying such Rate for such Materials to the Owner or Occupier of the Ground, from whence the same shall be Digged, Railed, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, or any five or more of them, shall Adjudge Reasonable; And in Case of any Difference between such Owner or Occupier, and the said Trustees touching the Value of the Materials and the Damage aforesaid, the Judges of Assize, at the next General Assizes, and General Goal Delivery, to be holden in the County, where such Materials shall be Railed, Digged, or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and finally Determine the same.

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And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-Ways or Roads hereby intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks, or Drains Running into the said High-Ways or Roads, and to Cleanse any Ditch or Water-Course Adjoyning to the said Roads, and to Cut







Make, or Cause to be Made, Cause-  
 Ways, and to Cut and Make Drains  
 through any Grounds lying Contiguous  
 to the said Roads, and to Erect Arches of  
 Brick, Timber or Stone, thereupon, and  
 also to Widen any of the Patrolled Parts  
 of the said High-Ways or Roads, by O-  
 pening, Clearing, and Laying into the  
 said High-Ways or Roads, any Ground of  
 any Person or Persons lying Contiguous  
 to such High-Ways or Roads, not being  
 a House, Garden, Orchard, Planted Walk,  
 or Avenue to a House, and also to Cause  
 Ditches or Trenches to be made in such  
 Places, and in such Manner, as such  
 Surveyor or Surveyors, by Order of the  
 said Trustees, or any five or more of  
 them, shall Adjudge Necessary for the bet-  
 ter Amending, and Keeping the said High-  
 Ways or Roads in good Repair, making  
 such Reasonable Satisfaction to the Own-  
 er or Occupier of such Ground which shall  
 be so Laid in or unto the said High-  
 Ways or Roads, through which any such  
 Drain or Drains shall be Cut, or on which  
 any such Arch or Arches shall be made,  
 for the Damages which he or they shall  
 or may thereby Sustain, as shall be As-  
 sessed and Judged by the next going  
 Judge or Judges of Assize, or by the Jus-  
 tices of the Peace, or the Major Part of  
 them, at the next General Quarter Sessi-  
 ons to be Holden for the County in which  
 such Ground shall be Laid into the said  
 High-



CHAP. XVIII. **High-Ways** of Roads, and through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-Ways Made, in Case of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches Adjoining to the said High-Ways or Roads, shall Neglect or Refuse to Stour or Cleanse such Water-Courses, and to make such Ditches so Deep and in such Manner as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful to and for the said Surveyor and Surveyors to Set any Man or Men to Work to Stour or Cleanse, and Make the same, and by Warrant in Writing, under the Hands and Seals of any five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, Rendering the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

And



And Whereas the said High-Way of XVIII. Road, Leading from the said Town of Mountrath in the Queen's County, and through the Towns and Lands of Litter, Frankford, Galrus, and Cloniver, to the said Town of Clonefin, may be Considerably Shortened and Made much more Convenient for Travellers, if the same was Carried Streight, and in a Direct Line, where the same is now Crooked;

For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Streight as aforesaid;

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Eleven or more of them, to Ascertain, Describe and Set apart, such Part and Proportion of the Lands Adjoining, or Contiguous to the said High-Way or Road, or which otherwise Lyes most Convenient for Carrying on and Continuing the said High-Way or Road Streight and in Direct Lines, as they the said Trustees, or any Eleven or more of them, shall Judge Necessary for Carrying the same Streight and in a Direct Line as aforesaid; And the said Trustees, or any Eleven or more of them, are hereby further Authorized and Impowered, to



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Treat and Agree With the Owners and others Interested in the said Ground, to be made Use of in Carrying the said Road Streight as aforesaid, for such Remun- pence and Satisfaction to be made for the same out of the Tolls and Duties Arising by Virtue of this Act, as the said Trustees, or any Eleven or more of them, shall think fit and reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree as aforesaid, or through any Disability by Nonage, Co- verture or Special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or other- wise notwithstanding, Refuse to Dispose of their respective Interest in such Land as the said Trustees, or any Eleven or more of them, shall think Convenient, for the Short- ening the said Road; In every such Case, the said Trustees, or any eleven or more of them, are hereby Authorized and Impow- ered to Issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County wherein such Ground doth lie, to Impanel and Return before the said Trustees, or any Eleven or more of them, at such Time and Place, Within the said County, as shall be Appointed in such Warrant or Warrants, a suf- ficient Jury, who upon their Oaths, which said Oaths the said Trustees, or any Ele- ven or more of them, are hereby Impow- ered and Required to Administer, shall Enquire



Enquire into the true and real Value of CHAP.  
such Ground, to be made Use of for the XVIII.  
said High-way or Road, and such Ver-  
dict or Inquisitions as shall be so found  
and returned by the said Jury, Ascertain-  
ing the Value of such Ground, shall  
be Final and Conclusive, as well to the  
said Trustees, as to the several and re-  
spective Owners and Proprietors of such  
Ground, notwithstanding any Disability  
or Incapacity whatsoever.

And for as much as the Money so to  
be Collected by such Receipt of the said  
Toll, will not be at Present Sufficient for  
the Speedy Repairing of the said High-  
ways or Roads;

Be it further Enacted by the Authority  
aforesaid, That the said Trustees, or any  
Eleven or more of them, shall and may,  
and are hereby Impowered, from Time to  
Time, by Writing under their respective Hands  
and Seals, to Assign over the said Seperate  
Toll or Duty hereby granted, or any Part  
thereof, the Costs and Charges whereof to  
be Borne and Paid out of such Seperate  
Toll or Duty, for any Term or Time  
during the Continuance of this Act, as a  
Security for any Sum or Sums of Mo-  
ney by them to be Borrowed for that Pur-  
pose, to such Person or Persons, or their  
Trustees, who shall Advance and Lend the  
same, to Secure the Re-Payment thereof,  
4 J 2 With



CHAP. XVIII. With Lawful Interest, or Less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is, by this Act, to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Eleven or more of them, from Time to Time, during the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to Pay thereout to the Person or Persons Named in such Warrant or Order, their Executors, Administrators, or Assigns, the growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall, from Time to Time, become Due, until such Time as the Principal Sum mentioned in such Warrant or Order shall be Paid off and Discharged at One intire Payment.

Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver, by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person



son or persons to whom such Warrants CHAP.  
 or Orders shall be given, his, her, or their XVIII.  
 Executors or Administrators may, by En-  
 dorsements on such Orders or Receipts,  
 Transfer the Right and Benefit of the  
 Sum mentioned in such Warrants or  
 Orders, which Endorsements, upon Notice  
 to the Treasurer or Receiver of the said  
 Tolls, and an Entry or Memorial thereof  
 made, in a Book to be kept for that Pur-  
 pose, which the said Treasurer or Receiver  
 shall, upon Request, without Charge, Fee,  
 or Reward, make accordingly, and shall,  
 upon the like Request, Permit to be View-  
 ed, at Reasonable Hours, without Fee or  
 Reward, shall Intitle the Indorsee or As-  
 signee, his or her Executors, Administrators,  
 or Assigns, to the Sole Benefit of the Sum  
 so Transferred or Assigned, and that the  
 said Warrant or Order may, in like Man-  
 ner, be Assigned or Transferred by such  
 Assignee, his or her Executors or Admin-  
 istrators, and so toties quoties; And that  
 after such Assignment, it shall not be in  
 the Power of the Person or Persons who  
 made such Assignment, to make Void,  
 Release, or Discharge the said Assignment,  
 or the Sum thereby Transferred or Assign-  
 ed, or any Part thereof.

And be it further Enacted by the Autho-  
 rity aforesaid, That the Treasurer or Re-  
 ceiver of the said Tolls shall Arithmeti-  
 cally Number all the Warrants or Or-  
 ders



CHAP. ders which shall be Given or Delivered out,  
 XVIII. in Pursuance of this Act, as they shall be  
 Delivered out, Commencing by Number  
 One, and so Continuing the Numbers till  
 the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls or Duties hereby made Payable, shall be Applied and Paid to the Discharge of the Interest of so much Money as shall be Borrowed in Pursuance of this Act, and towards Repairing the said Roads, and that all the Surplus of the said Tolls and Duties hereby made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and Repair the said Roads, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, (viz.) That When and as often as such Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two hundred Pounds, then the said Treasurer or Receiver shall Cause the Numbers of all the Warrants or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Ctn, and Well Mixed together, and an Indifferent person, to be Appointed  
 by



by the said Trustees, or any five or more of them, shall Publickly, betwixt the hours of Ten and Twelve in the forenoon, of a Day to be by the said Treasurer or Receiver, Publickly Advertised in the Dublin Gazette for that Purpose, at least Twenty Days before, at Frankford, in the King's County, Draw out of such Box or Boxes as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his, or their Executors, Administrators or Assigns shall, within Twenty Days after the said Warrants or Orders shall be Drawn as aforesaid, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest Payable by Virtue of such Warrants or Orders shall Cease from the Expiration of Twenty Days to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

Provided always, That in Case there shall be more than One Gate or Turnpike,



CHAP. **Pike, In, Crosse, or on the Side of the**  
 XVIII. **High-Ways or Roads, between the said**  
**Town of Mountrath, in the Queen's Coun-**  
**ty, and the said Town of Clonefin, in the**  
**King's County, no Person or Persons having**  
**paid the Toll or Duty at the first Gate**  
**or Turn-Pike through which such Per-**  
**son or Persons shall pass, and produ-**  
**cing a Note or Ticket that the said**  
**Toll or Duty was paid (which Note or**  
**Ticket the Receiver or Receivers, Collector**  
**or Collectors is, and are hereby Required**  
**to give Gratis) shall be Liable to pay a-**  
**ny Toll or Duty at any other of the said**  
**Gates or Turn-Pikes, upon the said High-**  
**Way or Road, such Person or Persons De-**  
**libering the said Note or Ticket to the**  
**said Receiver or Receivers, Collector or Col-**  
**lectors of the said Toll or Duty, at the**  
**Latter Gate or Turn-Pike the same Day,**  
**and no Person or Persons having Occasion**  
**to pass the Place or Places where the Toll**  
**or Duty is taken, who shall Return the**  
**same Day upon, or with the same Horse,**  
**Hare, Gelding, Ass, Mule, Cattle, Coach,**  
**Chariot, Berlin, Chaise, Chair, Calash,**  
**Maggon, Cart, Carr, or other Carriage,**  
**shall be Liable or Compellable the same Day,**  
**to pay the said Toll or Duty more than**  
**Once on the said Road.**

And for preventing Frauds and Abu-  
 ses in the said Toll or Duty; Be it En-  
 acted by the Authority aforesaid, That if  
 any



any Person or Persons having paid the Toll or Duty by this Act Granted and made Payable, and having such Note or Ticket, Notes, or Tickets, as are hereby Required, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, every such Person Giving, Disposing, or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or more Credible Witnesses or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the County, wherein such Offence or Offences shall be Committed, (which Oath the said Trustees, and the said Justice or Justices are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered and Disposed of as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of by this Act.

Provided always, and be it hereby Declared and Enacted by the Authority aforesaid, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, shall Pass and Repass Toll Free, on the Day or Days on which there shall be an Election, for Knight or Knights of the Shire, to Serve in Parliament for  
 4 H the



CHAP. XVIII. the said Queen's County and King's County, or for any Burgesses to Serve in Parliament, for any Boroughs in the said Counties respectively; Any Thing herein contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any fifteen or more of them, may, at any Meeting to be held by them, from Time to Time, as they shall see Convenient or Think Fit, Contract With any Person or Persons for the Farming and Letting the Tolls arising by this present Act, for any Sum or Sums, by the Year, to be paid by Monthly or Quarterly Payments, or oftner, to such Person or Persons as shall be Appointed from Time to Time by the said Trustees, or any five or more of them, to Receive such Quarterly, or other Payments, as shall be Contracted for, after such Contract or Agreement shall be made; Provided such Term, so to be Granted by them, of the said Toll, shall not exceed the Space or Term of Two Years, at any One Time of Letting or Farming the same, and so toties quoties.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them may, and are hereby Impowered, from Time to Time as they shall See Convenient or Think



Think fit, to Compound or Agree by the Year or otherwise, with any Person or Persons Using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or any other Carriage, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time after such Agreement shall be Made.

CHAP.  
XVIII.

Provided also, And be it hereby Declared and Enacted by the Authority aforesaid, That no Person shall be Charged with any of the Tolls and Duties aforesaid, who shall Pass through any of the Turn-pikes to be Erected by this Act, who shall Carry any Quantity of Stones, Gravel, or other Materials, for Repairing the said Road, or any of the Roads in the Parishes in which the same do Lye, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty, for any Carts, Carres, or Waggon, Laden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing the same, in the several Parishes in which the said High-Ways or Roads, hereby Intended to be Repaired, do Lye; Nor shall any Toll or Duty be Demanded or Taken, at any of the Turn-pike



CHAP. of Turn-pikes to be Erected, for any Horse,  
 XVIII. Mare, Gelding, Ass or Mule, or other  
 Cattle Going to Water, or for any Post-  
 Horse Carrying the Male or Packet, or for  
 such Horse as is or shall be Used only to  
 Ride on, by the Owner or Driver of any  
 Waggon, Cart or Carriage, Provided  
 such Horse pass through the said Turn-  
 Pike or Turn-pikes, with such Waggon,  
 Cart or Carriage; Nor shall any Toll  
 or Duty be Demanded or Taken for the  
 Horses of Soldiers passing, that are up-  
 on their March, or for Waggon, Carts,  
 Carres, or other Carriages Attending them,  
 or for Horses, Waggon, Carts, Carres,  
 or other Carriages, Travelling with Ma-  
 grants Sent by Passes, or with Prisoners  
 Transmitted from One Part of the King-  
 dom to another.

And be it further Enacted by the Au-  
 thority aforesaid, That the Toll or Duty  
 hereby Granted, shall Take place, and  
 have Continuance from and after the Twen-  
 ty fifth Day of May, One thousand seven  
 hundred and fifty two, for, and during  
 the Term of Sixty Years.

Provided nevertheless, That if at any  
 Time before the Expiration of the said  
 Term of Sixty Years, all Parts of the  
 said Roads shall be Sufficiently Amend-  
 ed and Repaired, and so Adjudged by the  
 Majority of the Trustees Appointed, or  
 hereafter



hereafter to be Chosen by Virtue of this CHAP. XVIII.  
 Act, by an Adjudication Made, and Re-  
 payment of such Money as shall have  
 been Advanced or Borrowed, with In-  
 terest for the same, and the Costs and  
 Charges thereof; The said Tolls and  
 Duties shall Cease and Determine; Any  
 Thing herein Contained to the Contrary  
 notwithstanding.

And be it further Enacted by the Autho-  
 rity aforesaid, That the said Road or  
 Roads shall be Repaired from the said  
 Tolbn of Mountrath, in the Queen's Coun-  
 ty, through the Tolbns of Litter, Frank-  
 fort, Galrus, and Cloniver, in the King's  
 County, to the Tolbn of Clonefin, in the  
 said County.

And be it further Enacted by the Autho-  
 rity aforesaid, That for Continuing a  
 Sufficient Number of able Persons, to be  
 Trustees for putting in Execution all and  
 every the Powers in this Act Contained,  
 for and During the Continuance thereof,  
 it shall and may be Lawful to and for  
 the said Trustees, or any five or more  
 of them, upon the Death of any of the  
 said Trustees, or their Removal, or Refu-  
 sing to Act in the said Trust, from Time  
 to Time, and at all Times hereafter, Dur-  
 ing the Term aforesaid, to Elect, Nomi-  
 nate, and Appoint in the Room of such  
 Trustee or Trustees so Deceased, Removed,



CHAP. of Relating to Act, so many more fit and  
 XVIII. Able person or persons, living in the said  
 Queen's County and King's County, to be  
 joined with the said Trustees in the Exe-  
 cution of all and every the power and  
 powers in them reposed, by virtue of  
 this Act, and all and every person or  
 persons so to be chosen Trustee or Trust-  
 tees, to join in putting this Act in Exe-  
 cution, as they are herein before Qua-  
 lified to do, shall and may, and are  
 hereby Impowered to Act, to all intents  
 and purposes, in as full, large, and am-  
 ple Manner as the said Trustees are by  
 this Act Impowered to do, and so toties  
 quoties, as often as Occasion shall require.

And be it further Enacted by the Autho-  
 rity aforesaid, That the said Trustees, or  
 any Eleven or more of them, shall Meet  
 at Frankford, in the King's County, on the  
 first Tuesday in the Month of May next,  
 and the said Trustees shall then Adjourn  
 themselves, and afterwards Meet there, or  
 at any other place or places near the said  
 High-Way or Road to be Made or Re-  
 paired, as the said Trustees, or any five  
 or more of them, shall think proper and  
 Convenient, as often as it shall be Necess-  
 sary for putting this Act in Execution;  
 And if it shall happen that there shall not  
 Appear, at any Meeting that shall be Ap-  
 pointed to be had or held by the said  
 Trustees,



Trustees, a sufficient Number of Trustees to Act at such Meeting, and to Adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, where such Numbers of Trustees shall be wanting, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House, where the Meeting of the said Trustees was last Appointed to be Had, or at some other Convenient House near the said Road, on that Day Next night, upon which such last Meeting of the said Trustees was Appointed to have been held; And that the said Trustees at their first Meeting, and at all other subsequent Meetings, shall Defray their own Charges and Expences.

Provided allways, and be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall Have or Accept of any Place of Profit Arising out of, or by Reason of the Toll or Duty, by this Act Laid or Granted, but such Person or Persons shall be Incapable from the Time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.



CHAP.  
XVIII.

And be it further Enacted by the Authority aforesaid, That no Trustee or Trustees shall, in his or their own Name, or in the Name or Names of any other Person or Persons, Take or Contract for the Repair of the said Roads, or any Part of them, whereby any Profit may Arise to him or them, but that from such Time he or they shall Cease to be a Trustee or Trustees; And that any Person or Persons that shall Undertake or Contract for the Making, Repairing, or Amending the said Roads, or any Part of them, shall, if Required, take an Oath before the said Trustees respectively, or any Seven or more of them, which Oath they have hereby Power to Administer, that he or they do Undertake the same for his or their own Use, and not for the Use, or in Trust for any such Trustee or Trustees Whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing Done in Pursuance of this Act, that in every such Case, the Action shall be Laid in the said King's County or Queen's County, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be had thereupon, and that the same  
was



was done in Pursuance and by the Authority of this Act; And if it shall Appear so to be Done, or such Action or Actions shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited, or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if on any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants have in any other Cases by Law. CHAP. XVIII.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a Publick Act, and be Judicially taken Notice of as such by any Judges, Justices, and other Persons Whatsoever, Without Specially Pleading the same.

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